



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

**REGULATORY ALERT**

**Action to Ensure Authority to Issue Permits under the PSD Program  
to Sources of GHG Emissions**

This information was prepared by NASA's Principal Center for Regulatory Risk Analysis and Communication (RRAC). An archive of regulatory alerts, summaries, and other information is posted on the RRAC PC website at <http://www.nasa.gov/offices/rrac/home/>. If you have further questions and/or need assistance, please contact Sharon Scroggins/MSFC (256-544-7932, [sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

**Date [Citation]:** 12 August 2010 [Prepublication]

**Regulatory Agency:** U.S. Environmental Protection Agency

**Rulemaking Type:** Proposed Rules

**Title:** Action to Ensure Authority to Issue Permits under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions:

- [Finding of Substantial Inadequacy and SIP Call](#)
- [Federal Implementation Plan](#)

**Summary:**

On 12 August 2010, the U.S. Environmental Protection Agency (EPA) issued prepublication versions of two proposed rules for implementing the Greenhouse Gas (GHG) Tailoring Rule. The Tailoring Rule requires facilities to obtain air permits beginning in 2011 for large projects expected to increase the facility's GHG emissions substantially.

In the first action, [Finding of Substantial Inadequacy and SIP Call](#), EPA proposes to require permitting programs in the 13 states listed below to allow these states to make changes to their state implementation plans (SIPs) to ensure that GHG emissions will be covered by the permitting programs. All other states that implement an EPA-approved air permitting program must review their existing permitting authorities and inform EPA if their programs do not address GHG emissions. The thirteen states include the following:

- Alaska
- Arizona: Pinal County; Rest of State (excludes Maricopa, and Pima, , and Indian Counties)
- Arkansas
- California: Sacramento Metropolitan AQMD
- Connecticut
- Florida
- Idaho
- Kansas
- Kentucky: Jefferson County; Rest of State
- Nebraska: Lincoln Lancaster; Omaha; Rest of State
- Nevada: Clark County
- Oregon
- Texas

Some states may not be able to develop and submit revisions to their plans before the Tailoring Rule becomes effective in 2011. EPA issued the second proposed rule to address those cases. The [Federal Implementation Plan](#) proposed rule would allow EPA to issue permits to facilities in states that have not yet revised their SIPs. This would be a temporary measure until the states can revise their individual SIPs and resume responsibility for permitting.

EPA will accept comments on the proposal for updated SIPs for 30 days after publication in the *Federal Register*. EPA has scheduled a hearing on the Federal Implementation Plan proposal on 25 August 2010 in Arlington, Virginia, and will accept comments for 30 days after the hearing. EPA anticipates finalizing these rules before 2 January 2011, the date when GHG permitting requirements will take effect.

**Potential Impacts to NASA:**

NASA Centers and contractor facilities may be required to obtain Prevention of Significant Deterioration or Title V permits under the GHG Tailoring Rule. The two proposed rules might affect the permitting process, depending on whether the facility is located in an affected state.

**Additional Information:**

- [EPA's New Source Review Website \(http://www.epa.gov/nsr/\)](http://www.epa.gov/nsr/)
- [NASA RRAC PC Regulatory Summary of GHG Tailoring Rule \(http://www.nasa.gov/pdf/462735main\\_GHG%20Permitting%20Tailoring%20Rule.pdf\)](http://www.nasa.gov/pdf/462735main_GHG%20Permitting%20Tailoring%20Rule.pdf)